

REMARKS

This amendment responds to the Office Action dated April 28, 2009, in which the Examiner required a new title, rejected claim 3 under 35 U.S.C. § 112, second paragraph, rejected claim 10 under 35 U.S.C. § 101 and rejected claims 1-11 under 35 U.S.C. § 102(e).

Applicant would like to thank the Examiner for acknowledging priority. However, since the application is a National Stage of a PCT Application, Applicant believes that box 12(a)(3) should be indicated rather than box 12(a)(1) on PTOL-326. A corrected PTOL-326 is respectfully requested.

As indicated above, a new title has been provided which clearly indicates the invention to which the claims are directed. Therefore, Applicant respectfully requests the Examiner withdraws the objection and approves the new title.

As indicated above, claim 3 has been amended to provide antecedent basis. Applicant respectfully requests the Examiner approves the correction and withdraws the rejection thereto.

As indicated above, claims 7 and 9 have been amended for stylistic reasons. The amendment is unrelated to a statutory requirement for patentability.

As indicated above, claim 10 has been amended to be directed toward statutory subject matter. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claim 10 under 35 U.S.C. § 101.

Claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Sankaranarayan, et al.* (U.S. Patent No. 7,137,119).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 102(e). The claims have been reviewed in light of the Office Action, and for reasons which will

be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Sankaranarayan, et al. appears to disclose an add accumulator function returns an error that a provider cannot satisfy an allocation due to shortage of resources. The resource manager tags the activity associated with such resource descriptors as “victims”. (Col. 13, lines 61-65). If there are victim activities, the resource manager notifies those activities to release the resources. When the resources are released, the resource manager assigns them to the activity that originally made the request. For instance, suppose that activity A3 is tagged as a victim. The resource manager notifies the activity A3 to release its resources and reallocates them to the requesting activity A2 (Col. 14, lines 18-25).

Thus, *Sankaranarayan, et al.* merely discloses a resource manager notifies activities to release the resources, when there is a shortage of resources, and reassigns them. Nothing in *Sankaranarayan, et al.* shows, teaches or suggests (a) a processing means/application, which was not granted permission to use the resource, issuing a request to be notified of a release of the resource, (b) a resource manager receiving the request to be notified of the release of the resource, and (c) upon receipt of the request to be notified of the release, cataloging the resource corresponding to the release notification and the processing means/application which issued the release notification request as claimed in claims 1, 5 and 10-11. Rather, *Sankaranarayan, et al.* only discloses that the resource manager notifies those activities which cannot be satisfied to release the resources and assigns the released resources to an activity that originally made a request.

Additionally, *Sankaranarayan, et al.* merely discloses at step 328, a resource manager
102 determines whether each reservation is successful in that all requested resources are

available (Col. 12, lines 12-13). If the reservation fails (meaning that all requested resources are not available) the resource manager 102 notifies the resource providers 104 of the reservation failure (Step 332) (Col. 12, lines 26-29).

Thus, *Sankaranarayan, et al.* merely discloses notifying the resource providers 104 if a reservation failure occurs (i.e. no notification of resource consumer 32). Nothing in *Sankaranarayan, et al.* shows, teaches or suggests (a) a processing means/application not granted permission to use a resource issues a request to be notified of a release of the resource, (b) a resource managing apparatus receiving a request to be notified of the release of the resource, and (c) the resource management apparatus cataloging the resource corresponding to the release notification request and the processing means/application issuing the release notification request as claimed in claims 1, 5 and 9-11. Rather, *Sankaranarayan, et al.* merely discloses that the resource manager 102 notifies the resource providers 104 (not the consumers 32) of the reservation failure.

Furthermore, *Sankaranarayan, et al.* only discloses at Step 322 for each resource descriptor 126 in the configuration, the resource manager 102 identifies the corresponding resource provider 104 and makes a list of all activities 102 in the system that currently are using resources from this resource provider. The activity 122(1) to be reserved is also added to this list. The resource manager 102 assigns resources to all descriptors contained in the listed activity (Step 324) using a provider supplied “resource allocation” function (Col. 11, lines 56-64).

Thus, *Sankaranarayan, et al.* merely discloses a resource manager making a list of all activities in the system currently using resources from a particular resource provider (not consumer 32) and including an activity to be reserved. Thus, nothing in *Sankaranarayan, et al.* shows, teaches or suggests (a) a processing means/application issuing a notice saying that a

resource has been released, (b) a resource managing apparatus receiving the notice saying the resource has been released and (c) determining, from the list, a processing/means application which requested to be notified of a release of the resource as claimed in claims 1, 5 and 9-11. Rather, *Sankaranarayan, et al.* only discloses making a list of all activities that currently use resources from a resource provider as well as activities to be reserved.

Finally, *Sankaranarayan, et al.* merely discloses if a reservation succeeds (all requested resources are available), the resource manager 102 notifies the resource providers 104 of the reservation so that they can validate consumer requests to use the resources (Step 330) (Col. 12, lines 14-17).

Thus, *Sankaranarayan, et al.* only discloses notifying resource providers of a reservation to use the resource (not notifying the resource consumer of the availability of the resource). Nothing in *Sankaranarayan, et al.* shows, teaches or suggests a resource management apparatus issuing, to a processing means/application which requested notification of release of a resource, that the resource can now be acquired based upon a determination from the list as claimed in claims 1, 5 and 9-11. Rather, *Sankaranarayan, et al.* only discloses notifying a resource provider 104 that the resource will be acquired by a consumer (resource provider 104 is not the consumer).

Since nothing in *Sankaranarayan, et al.* shows, teaches or suggests (a) upon receipt of a request to be notified of release of a resource from a processing means/application not granted permission to use the resource, cataloging in a list the resource corresponding to the release notification request along with the release notification requesting processing means/application, (b) upon receipt of a notice saying that the resource has been released from the processing means/application having been granted permission to use the resource, checking from the list the

release notification-requesting processing means application, and (c) issuing an acquisition complete notice saying that the resource has been acquired to the release notification-requesting processing means/application checked from the list in the list checking step as claimed in claims 1, 5 and 9-11, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 5 and 9-11 under 35 U.S.C. § 102(e).

Claims 2-4 and 6-8 recite additional features. Applicant respectfully submits that claims 2-4 and 6-8 would not have been anticipated by *Sankaranarayan, et al.* within the meaning of 35 U.S.C. § 102(e), at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 2-4 and 6-8 under 35 U.S.C. § 102(e).

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.


In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

Date: July 20, 2009

By: _____


Ellen Marcie Emas
Reg. No. 32,131
(202) 292-1530